

PATENT
Docket No. 437472000200

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Assistant Commissioner for Patents, Washington, D.C. 20231, on July 19, 2002.

Tami M. Procopio
Tami M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Bryan HIROMOTO

Serial No.: 09/826,559

Filing Date: 04 April 2001

For: IMPROVED PESTICIDE
MICROEMULSION AND
DISPERSANT/PENETRANT
FORMULATIONS

Examiner: Michael V. Meller

Group Art Unit: 1651

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AMENDMENT UNDER 37 C.F.R. § 1.111

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Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to an Office Action herein mailed 19 June 2002, time for response to which was set to expire 19 July 2002. Claims 1-65 were subjected to a restriction requirement among 12 groups.

Applicants hereby elect to prosecute the invention of Group I, claims 1-18, 30, 32 and 49-51. This election is made without traverse with respect to Groups II, IV, and VI-XII.

Reconsideration is requested with respect to Groups III and V.

Groups III and V are simply drawn to methods of using the composition claimed in Group I and to methods of making it. Applicants believe they are clearly entitled to rejoinder of Group III, which is drawn to a method of using the composition of Group I, which although separately patentable therefrom, utilizes an inherent and disclosed property of the composition. Similarly, Group V, claims 36-38, while also patentably distinct from the composition of Group I

as directed to a method of making such a composition, is so closely related that no undue burden would be borne by including this group for examination in the present application. Therefore, reconsideration with regard to examination of claims 34 and 36-44 is requested.

Applicants further note that an election of species is required with regard to the source of the fungal lipase, which appears in the claims; applicants elect the species wherein the lipase is derived from *Laetiporus*. If further election as to the monounsaturated acid or ester is required, election is made to oleic acid. Applicants understand that should the elected species be allowable subject matter, rejoinder of the remaining species will be forthcoming. The claims which read on the elected species are 1-7, 10-18, 30, 32 and 49-51.

Examination on the merits is respectfully requested.

CONCLUSION

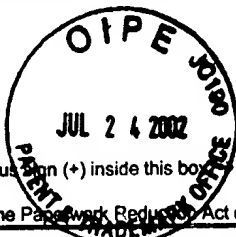
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 437472000200.

Respectfully submitted,

Dated: July 16, 2001

By: Kate H. Murashige
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TRANSMITTAL FORM

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| | |
|----------------------|----------------|
| Application Number | 09/826,559 |
| Filing Date | 4 April 2001 |
| First Named Inventor | Bryan HIROMOTO |
| Group Art Unit | 1651 |
| Examiner Name | M. Meller |
| Attorney Docket No. | 437472000200 |

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| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

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Individual Name
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Signature

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Date

July 19, 2002

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